

### **REMARKS**

This is in response to the Office Action mailed on August 26, 2004.

Claims 19, 21, 22, 24, 25, 27, 36, 41, 45, and 47 are amended, no claims are canceled, and no claims are added; as a result, claims 1-50 are now pending in this application. The amendments to the claims are fully supported by the specification as originally filed. No new matter is introduced. The amendments are made to clarify the claims. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

### **Information Disclosure Statement**

Applicant submitted an Supplemental Information Disclosure Statement and a 1449 Form on November 11, 2003. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

### **Objection to the Claims**

Claim 27 was objected to because of an informality.

Claim 27 is amended to clarify this claim. Applicant respectfully requests withdrawal of this objection to claim 27, and reconsideration and allowance of this claim.

### **§112 Rejection of the Claims**

Claims 19, 21, 22 and 40 were rejected under 35 USC § 112, second paragraph.

Claims 19, 21, and 22 are amended to clarify these claims. The term "the input signal" in line 4 of claim 40 is introduced in claim 8 from which claim 40 depends, and, therefore, has sufficient antecedent basis in claim 40. Applicant submits that claims 19, 21, 22 and 40 satisfy the requirements under 35 USC § 112, second paragraph.

Applicant respectfully requests withdrawal of these rejections of claims 19, 21, 22 and 40, and reconsideration and allowance of these claims.

§103 Rejections of the Claims

Claims 1, 2, 5, 6 and 7 were rejected under 35 USC § 103(a) as being unpatentable over Goodings et al. (U.S. Patent No. 5,259,033) in view of Kuo (U.S. Patent No. 6,097,823).

Claims 8, 14, 16 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Goodings et al. (U.S. Patent No. 5,259,033) in view of Kuo (U.S. Patent No. 6,097,823) as applied to claims 1, 2, 5, 6, and 7 above, and further in view of "Feedback Cancellation in Hearing Aids: Results from a Computer Stimulation", by Kates.

Claim 18 was rejected under 35 USC § 103(a) as being unpatentable over Goodings et al. (U.S. Patent No. 5,259,033) in view of Kuo (U.S. Patent No. 6,097,823) as applied to claims 1, 2, 5, 6, and 7 above, and further in view of "Feedback Cancellation in Hearing Aids: Results from a Computer Stimulation", by Kates, and Thurmond et al. (U.S. Patent No. 4,088,835).

Claims 1-4, 8-10, 19, 20, 22, 23, 40 and 46 were rejected under 35 USC § 103(a) as being unpatentable over "Feedback Cancellation in Hearing Aids: Results from a Computer Stimulation", by Kates in view of Kuo (U.S. Patent No. 6,097,823).

Claims 2, 8, 11, 12, 13, and 15 were rejected under 35 USC § 103(a) as being unpatentable over Finn et al. (U.S. Patent No. 6,496,581) in view of Goodings (U.S. Patent No. 5,259,033) and further in view of Kuo (U.S. Patent No. 6,097,823).

Applicant traverses these grounds of rejection of these claims. Further, Applicant reserves the right to swear behind Kuo and Finn et al. (hereafter Finn) at a later date.

In the Office Action, Kuo is cited in all rejections with respect to a narrowband probe. In the Office Action, it is stated, with respect to Kuo, that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a generator that generates a chirp signal (i.e. a chirp signal is an equivalent probe signal wherein at an instantaneous moment it is a narrow band signal) to inject into the system as a probe signal." Applicant respectfully disagrees. Applicant submits that a narrowband signal is different from an instantaneous moment of a chirp signal. Additional features must be applied to the chirp signal to use the instantaneous moment of a chirp signal as a narrowband signal, such as processing the chirp signal to obtain the instantaneous moment as a narrowband signal for use as a probe signal. Applicant cannot find a teaching or a suggestion of such additional features in the cited references. Further, no reference or objective evidence has been provided in the Office

Action to support the statement quoted above. Applicant submits that the only teaching, suggestion, and motivation of record regarding a narrowband signal for use as recited in independent claims 1, 2, and 8 is provided in the Applicant's disclosure. Therefore, Applicant submits that the cited combinations of references do not teach or suggest all the elements of claims 1, 2, or 8. Thus, Applicant submits that claims 1, 2, and 8 are patentable over the cited references for at least the reasons stated above. Further, the claims dependent on independent claims 1, 2, and 8 are patentable over the cited references for at least the reasons stated above.

Applicant respectfully requests withdrawal of these rejections of claims 1-23, 40, and 46 and reconsideration and allowance of these claims.

*Allowable Subject Matter*

Claims 24-39, 41-45 and 47-50 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 24, 25, 36, 41, 45, and 47 are amended into independent form including all of the limitations of the base claim and any intervening claims. Claims 26-35, claims 37-39, 42-44, and claims 48-50 depend on claims 25, 36, 41, and 47. Thus, Applicant submits that claims 24-39, 41-45 and 47-50 are patentable.

Applicant respectfully requests withdrawal of these objections to claims 24-39, 41-45 and 47-50, and reconsideration and allowance of these claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: M5 Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of December, 2004.

Paula Suchy

Name

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Signature